

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

NO LABELS,

*Plaintiff,*

v.

NOLABELS.COM INC.,

*Defendant.*

Case No. 1:23-cv-01384-GBW

**PLAINTIFF'S NOTICE OF FILING OF AN INJUNCTION BOND**

PLEASE TAKE NOTICE that, pursuant to and in accordance with Paragraph 3 of the Temporary Restraining Order entered on December 15, 2023 (D.I. 26), plaintiff NO LABELS hereby files the attached Temporary Restraining Order and Injunction Bond.

December 18, 2023

**HALLORAN FARKAS + KITTLA LLP**

*Of Counsel:*

Mark D. Lytle (*pro hac vice*)

**NIXON PEABODY LLP**

799 9<sup>th</sup> Street NW

Suite 500

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Tel: (202) 585-8435

Fax: (907) 331-4726

Email: mlytle@nixonpeabody.com

/s/ Theodore A. Kittila

Theodore A. Kittila (Bar No. 3963)

5801 Kennett Pike, Suite C/D

Wilmington, Delaware 19807

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*Counsel for Plaintiff*

Jason C. Kravitz (*pro hac vice*)

Leslie E. Hartford (*pro hac vice*)

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lhartford@nixonpeabody.com

**IN THE UNITED STATES DISTRICT COURT**  
FOR THE DISTRICT OF DELAWARE

NO LABELS,	)	
	)	
Plaintiff	)	
	)	
v.	)	<b>UNDERTAKING ON TEMPORARY</b>
	)	<b>RESTRAINING ORDER</b>
	)	
NOLABELS COM INC.,	)	Civil Action No
	)	1: 23-cv-01384-GBW (D.Del)
Defendant,	)	Bond # L346109-2146

WHEREAS, the Plaintiff has applied for a Temporary Restraining Order in the above entitled action, restraining the Defendant, from doing certain things as more fully set forth in the order.

Now, therefore Lexington National Insurance Corp., as Surety does hereby pursuant to the Federal Code of Civil Procedure and any local court rules applicable in such case made and provided, undertake that the Plaintiff will pay to the Defendant so enjoined/restrained, such damages and costs not exceeding the sum of Two Hundred Fifty Thousand and 0/100s Dollars, (\$250,000), as Defendant may sustain by reason of the temporary restraining order, if the Court shall finally decide that the Plaintiff was not entitled thereto; such damages and costs to be limited to the penal sum of the bond stated herein.

This 18<sup>h</sup> day of December, 2023.

Lexington National Insurance Corp.



C. Poindexter  
C. Poindexter, Attorney-in-Fact  
Underwriting@SuretyOne.com  
(800) 373-02804



IMPORTANT NOTICE – THIS POWER OF ATTORNEY IS VOID IF “LNIC Original” WATERMARK IS NOT PRESENT

## POWER OF ATTORNEY

### Lexington National Insurance Corporation

Lexington National Insurance Corporation, a corporation duly organized under the laws of the State of Florida and having its principal administrative office in Baltimore County, Maryland, does hereby make, constitute and appoint:

**C. Constantin Poindexter, Maria de los Angeles Reynoso, Gabriel J. Palerm**

as its true and lawful attorney-in-fact, each in their separate capacity, with full power and authority to execute, acknowledge, seal and deliver on its behalf as surety any bond or undertaking of \$6,000,000 or less. This Power of Attorney is void if used for any bond over that amount.

This Power of Attorney is granted under and by authority of the following resolutions adopted by the Board of Directors of the Company on February 15, 2018:

Be it Resolved, that the President or any Vice-President shall be and is hereby vested with full power and authority to appoint suitable persons as Attorney-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

Attorney-in-Fact may be given full power and authority for and in the name of and on the behalf of the Company, to execute, acknowledge and deliver any and all bonds, contracts, or indemnity and other conditional or obligatory undertakings, including any and all consents for the release of retained percentages and/or final estimates on engineering and construction contracts, and any all notices and documents cancelling or terminating the Company's liability thereunder and any such instruments so executed by any Attorney-in Fact shall be binding upon the Company as if signed by the President and sealed by the Corporate Secretary.

RESOLVED further, that the signature of the President or any Vice-President of LEXINGTON NATIONAL INSURANCE CORPORATION may be affixed by facsimile to any power of attorney, and the signature of the Secretary or any Assistant Secretary and the seal of the Company may be affixed by facsimile to any certificate of such power, or any such power or certificate bearing such facsimile signature or seal shall be valid and binding on the Company. Any such power so executed and sealed and certified by certificate so executed and sealed with respect to any bond to which it is attached continue to be valid and binding upon the Company.

IN WITNESS WHEREOF, the Company have caused this instrument to be signed and their corporate seal to be hereto affixed.



Ronald A. Frank, President



State of Maryland  
County of Harford County, SS:

Before me, a notary public, personally appeared, Ronald A. Frank, President of Lexington National Insurance Corporation, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under the PENALTY of PERJURY under the laws of the State of Maryland that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Commission Expires: 05/23/24

  
Notary

I, Lisa R. Slater, Secretary of Lexington National Insurance Corporation, do hereby certify that the above and foregoing is true and correct copy of a Power of Attorney, executed by said company, which is still in full force and effect; furthermore, the resolutions of the Boards of Directors, set out in the Power of Attorney are in full force and effect.

In Witness Whereof, I have hereunto set my hand and affixed the seal of said Company at Baltimore, Maryland this 29th day of April, 2022.

  
Lisa R. Slater, Secretary

Attached to bond signed this 18th day of December, 20 23



# ALL- PURPOSE NOTARY ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of NORTH CAROLINA }

County of WAKE }

On 12/18/2023 before me, Eliara A Piva Boscan,  
(Here insert name and title of the officer)

personally appeared C. Poindexter,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of DELAWARE that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Eliara A Piva Boscan  
Notary Public Signature

**June 07, 2028**

Commission Expires



## ADDITIONAL OPTIONAL INFORMATION

### DESCRIPTION OF THE ATTACHED DOCUMENT

SURETY BOND  
(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages 1 Document Date 12/18/23



Surety One, Inc. (HQ)  
404 ave. de la Constitución, Suite 708  
San Juan, PR 00901  
(787) 333-0222 Direct  
(787) 293-9221 Facsimile

Surety One, Inc. (EAST COAST)  
5 W. Hargett Street, 4th Floor  
Raleigh, NC 27601  
(800) 373-2804 Direct

[Underwriting@SuretyOne.com](mailto:Underwriting@SuretyOne.com)  
<https://SuretyOne.com>



### CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual (s)  
☐ Corporate Officer

\_\_\_\_\_  
(Title)

- ☐ Partner(s)  
☒ Attorney-in-Fact  
☐ Trustee(s)  
☐ Other \_\_\_\_\_



#### **Surety One, Inc.**

SuretyOne.com

Underwriting@SuretyOne.com

5 W Hargett St, 4th Floor, Raleigh NC 27601

T: 800 373 2804 F: 919 834 7039

404 Av De La Constitución, #708, San Juan PR 00901

T: 787 333 0222 F: 787 293 9221

6601, Goreway Drive, Unit A, Mississauga, ON L4V 1V6

## **GUIDE FOR INFORMATION REQUESTS, REPORT OF BOND RELEASE AND/OR RETURN OF COLLATERAL**

### **What information should be provided when seeking a surety bond status?**

- Name of the principal (insured) as it appears on the bond
- Bond number
- Your email
- Type of bond and date of issue.

### **How do I inquire about renewal/continuation of my current surety bond?**



#### **Email**

[Underwriting@SuretyOne.com](mailto:Underwriting@SuretyOne.com)

Include the aforementioned identifying information and request.



#### **Telephone**

(787) 333-0222

(800) 373-2804



#### **Mail**

PO Box 37284

Raleigh, NC 27627

### **How do I report the termination/exoneration of my bond and/or request a refund of collateral?**

1. In the case of a judicial (court) bond, we require a final order of the court holding jurisdiction definitively releasing the surety from its obligation under the bond.
2. In the case of a license and permit bond, utility or lease bond, or any miscellaneous surety bond or financial guarantee, we require a letter from the obligee releasing the surety from its obligations under the bond.
3. In the case of a performance and/or payment bond, we require a sworn affidavit of completion executed by the principal contractor and an original letter from the obligee (project owner) releasing the surety from its obligation. The affidavit and letter must specifically identify the principal, obligee, contract, surety company and bond number.



#### **Email**

[Underwriting@SuretyOne.com](mailto:Underwriting@SuretyOne.com)



#### **Telephone**

(800) 373-2804



#### **Service of Process**

5 W. Hargett Street, 4th Floor  
Raleigh, NC 27601